

Remarks

Claims 80,81,82,87 and 88 are all pending in this application and claims 1-79, 83-86 are canceled. New claims 89-91 are submitted. Care has been exercised to avoid the introduction of new matter.

It is respectfully submitted that prosecution of the subject apparatus claims in this application is proper and does not constitute double patenting since the examiner made a Restriction Requirement on September 19, 1994, in predecessor of the parent application Serial No. 08/140,909 requiring election between the method and the apparatus claims of the present invention. By selecting the previously non-elected apparatus claims, the prosecution of the present application constitutes a divisional prosecution based upon Application Serial No. 08/140,909, which provides the priority and precedes the parent application, Serial No. 08/648,862 which is the parent of the instant application.

Further, a Terminal Disclaimer executed for the parent application is attached hereto, disclaiming any portion of the term U.S. Patent No. 5,262,879, which serves as the source of priority for the instant application and all intervening applications. Consequently, it is urged that double patenting is not an issue in the present application.

New independent claim 89 is very similar in breadth, as well as recitation, to the allowed claims of the parent Application Serial No. 08/648,862 (now U.S.

Patent No. 5,822,092 to be issued October 13, 1998). Consequently, it is urged that apparatus claims 89-91 which correspond to now allowed claim 83 in the parent application are patentable for the same reasons as the subject claims in the parent application.

Claims 80-82, 87 and 88 are narrower in scope than the aforementioned claim 89. Consequently, these claims should be in condition for allowance for the same reasons as claims 89-91.

The inventorship, as indicated on the Transmittal Sheet for this application is restricted to the subject matter of Frank Davis. Kenneth R. Harris has been dropped from the inventorship of this application in accordance with the previously-submitted Petition to Change Inventorship provided in the parent application. A copy of the subject Petition and all relevant documents is attached hereto. Consequently, it is urged that there is no issue of using U.S. Patent No. 5,263,879 as a reference against the instant claims since the inventor named for the subject patent is also the inventor of the subject matter claimed in the instant application.

Based upon the aforementioned comments and amendments, it is respectfully submitted that all claims are patentable with respect to the cited conventional art, and that this application is now in condition for allowance. A prompt initial review and Notice of Allowance are respectfully requested.

Should the Examiner have any questions, comments or suggestions, or should issues remain, the Examiner is respectfully requested to contact the undersigned by telephone for a prompt satisfactory response.

Respectfully submitted,
LEV INTELLECTUAL PROPERTY CONSULTING



Robert G. Lev
Reg. No. 30,280

4766 Michigan Boulevard
Youngstown, Ohio 44505
(330) 759-1423

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